

CHAPTER 30

GENERAL PROVISIONS

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30.01 RULES OF CONSTRUCTION

In the construction of this Code of general ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the ordinances:

(1) Wisconsin Statutes. The term Wisconsin Statutes wherever used in this Code shall mean the Wisconsin Statutes for the year 1988, as amended from time to time.

(2) Gender: Singular and Plural. Every work in this Code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every work importing the singular number only may extend and be applied to several persons, or things, as well as to one person or thing; provided that these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction, or when the subject matter or context of such provisions may be repugnant thereto.

(3) Person. The word "person" extends and applies to natural

persons, firms, corporations, associations, partnerships or other bodies of any kind capable of being sued unless plainly inapplicable.

(4) Acts by Agents. When a provision requires an act to be done which may be done by an agent as well as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.

30.02 CONFLICT AND SEVERABILITY.

(1) Conflict of Provisions. If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

(2) Severability of Code Provisions. If any section, sub-section, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, sub-section, sentence, clause or phrase or portion thereof. The Village President and Village Board of the Village of Eagle hereby declare that they would have passed this Code and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

30.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE.

Whenever in this Code any standard, code, rule, regulation or other written or printed matter, other than the Wisconsin Statutes or other sections of this Code, are adopted by reference, they shall be deemed incorporated in

this Code, as if fully set forth herein, and the Village Clerk is hereby directed and required to file, deposit and keep in his office a copy of the Code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the Clerk's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

30.04 PENALTY PROVISION

(1) General Penalty. Whenever so provided in this Code, any person who shall violate any of the provisions of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:

(a) First Offense - Penalty. Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than Ten (\$10.00) Dollars, nor more than Five Thousand (\$5000.00) Dollars, together with the costs of prosecution, or shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days.

(b) Second Offense - Penalty. Any person found guilty of violating any ordinance or part of any ordinance of this Code, who shall previously have been convicted of a violation of the same ordinance, shall, upon conviction thereof, forfeit not less than Twenty (\$20.00) Dollars, nor more than Ten Thousand (\$10,000.00) Dollars for each offense, together with the costs of Prosecution, and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

(2) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order for violation of any ordinance of the Village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

30.05 REPEAL OF GENERAL ORDINANCES.

(1) All ordinances heretofore adopted by the Village Board of the Village of Eagle are hereby repealed, except all ordinances, or parts of ordinances relating to the following subjects, and not conflicting with any of the provisions of this Code:

(a) The issuance of corporate bonds and notes of the Village of Eagle, of whatever name or description.

(b) The establishment of grades, curb lines and widths of sidewalks in the public streets and alleys.

(c) The fixing of salaries of public officials and employees.

(d) Rights, licenses or franchises or the creation of any contract with the Village of Eagle.

(e) The lighting of streets and alleys.

(f) The annexation of territory to the Village of Eagle.

(g) The naming and changing of names of streets, alleys, public grounds and parks.

(h) The letting of contracts without bids.

(i) Tax and special assessment levies.

(j) Release of person, firms or corporations from liability.

(k) Construction of any public works.

(l) Water, sewer and electric rates, rules and regulations and sewer and water main construction.

(m) Budget ordinances, resolutions and actions.

30.06 EFFECT OF REPEALS.

The repeal or amendment of any section or provision of this Code, or of any other ordinance or resolution of the Village Board shall not:

(1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.

(2) Effect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the Village.

(3) Effect any offense committed, or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended, except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.

(4) Effect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue, and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall proceed, in all respects, as if such ordinance or ordinances

had not been repealed, except that all such proceedings had after the time this Code shall take effect, shall be, in all respects, subject to the provisions of this Code.

30.07 TITLE - EFFECTIVE DATE - CITATION.

These ordinances shall be known as the "MUNICIPAL CODE OF THE VILLAGE OF EAGLE", and shall take effect from and after passage and (publication) (posting). All references thereto shall be cited by section number, (Example: S. 13.06, Municipal Code of the Village of Eagle).

30.08 STYLE OF ORDINANCES: ADDITIONS, AMENDMENTS AND REPEALS.

All general ordinances hereafter enacted by the Village Board of the Village of Eagle shall be numbered in chronological order, prefixed by the letter "A", and shall indicate by appropriate decimal number the section, sub-section or paragraph of this Code, created, amended, repealed or revised.

30.09 CLERK TO FILE ORDINANCES - SUPPLEMENTAL SHEETS.

The Village Clerk shall certify one copy of this Code as the original Municipal Code of the Village of Eagle, and shall file the same as part of the Village ordinance book. Such copy shall be retained in this original form. In addition, the Clerk shall retain in his office at least one copy of the Municipal Code of the Village of Eagle in current form, in which shall be inserted all supplemental sheets, as hereinafter provided.

Whenever any ordinance amending, repealing, revising or creating any section of this Code is adopted by the Village Board, the Clerk, after recording such ordinance in the ordinance book, shall cause copies of such ordinance to be

reproduced on supplemental sheets, in proper form for insertion in the Municipal Code, and shall insert such ordinances in all copies of this Code in his possession, except the aforementioned original copy. The Clerk shall make such supplemental sheets available at a fee specified by the Village Board to all persons requesting the same.